

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**BIOGEN INTERNATIONAL GMBH  
and BIOGEN MA INC.,**

**Plaintiffs,**

**v.**

**MYLAN PHARMACEUTICALS INC.,**

**Defendant.**

**Civil Action No. 1:17-cv-116-IMK**

**STIPULATION AND ORDER OF PARTIAL DISMISSAL WITH PREJUDICE**

Plaintiffs Biogen International GmbH and Biogen MA Inc. (“Biogen”) and Defendant Mylan Pharmaceutical Inc. (“Mylan”) hereby stipulate, subject to the approval of the Court, and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and 41(c), to dismissal, with prejudice, of the following claims, counterclaims and affirmative defenses pled in Civil Action No. 17-cv-116:

(i) Biogen’s claims regarding U.S. Patent Nos. 6,509,376 (“the ’376 patent”), 7,320,999 (“the ’999 patent”), 7,803,840 (“the ’840 patent”), and 8,759,393 (“the ’393 patent”);

(ii) Defendants’ affirmative defenses regarding the ’376 patent, the ’999 patent, the ’840 patent, and the ’393 patent;

(iii) Defendants’ counterclaims regarding the ’376 patent, the ’999 patent, the ’840 patent, and the ’393 patent; and

(iv) Biogen’s affirmative defenses to Defendants’ counterclaims regarding ’376 patent, the ’999 patent, the ’840 patent, and the ’393 patent.

It is further stipulated that each party bears its own fees and expenses with respect to this dismissal with prejudice.

Biogen and Mylan maintain their respective claims, counterclaims and affirmative defenses as to U.S. Patent Nos. 7,619,001 (“the ’001 patent”) and 8,399,514, (“the ’514 patent”), which shall not be impacted by the foregoing dismissals with prejudice. No party’s execution of this stipulation shall have any effect on arguments or issues in this case.

The Court will retain jurisdiction to enforce this Order.

ENTERED this 5th day of February 2019.



IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE

DATED: February 4, 2019

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of February 2019, I filed the foregoing STIPULATION AND ORDER OF PARTIAL DISMISSAL WITH PREJUDICE with the Clerk of the Court using the CM/ECF system, which will send electronic notification of the same to the following counsel of record:

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Dated this 4th day of February 2019

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